

September 18, 2009

TO: Teresa Parsons  
Director's Review Program Supervisor

FROM: Kristie Wilson  
Director's Review Investigator

SUBJECT: Jay Miller v. Eastern Washington University (EWU)  
Allocation Review Request ALLO-08-077

#### **Director's Review Conference**

Mr. Jay Miller requested a Director's Review of his position's allocation by submitting a Request for Director's Review form on October 27, 2008. The time period for the review is the six months prior to August 11, 2008.

On June 17, 2009, I conducted a Director's review conference by phone. Present by phone were Jay Miller; Ray Goden, Custodial Services Manager; Jennifer VanSteenwyk, Custodian 4 - Supervisor; and Mark Schuller, EWU Human Resources.

#### **Director's Determination**

As the Director's review investigator, I carefully considered all of the documentation in the file, the class specifications, and the information provided during the Director's review phone conference. Based on my review and analysis of Mr. Miller's assigned duties and responsibilities, I determine his position is properly allocated to the classification of Custodian 1.

#### **Background**

Mr. Miller requested a reallocation by submitting a completed and signed Position Questionnaire (PQ) to EWU on August 11, 2008 (Exhibit B-1). Mr. Miller proposed that the Custodian 2 classification would be a better fit for his position. On October 10, 2008, Mr. Mark Schuller, of the EWU Human Resources Office, issued an allocation determination, indicating Mr. Miller's position was properly allocated to the Custodian 1 classification (Exhibit B-2). On October 27, 2008, Mr. Miller submitted a request for a Director's Review of EWU's decision (Exhibit A-1).

#### **Summary of Mr. Miller's Comments**

Mr. Miller is employed at EWU as Custodian 1. During the phone conference, Mr. Miller stated that he was assigned to and responsible for the Tawanka building and sometimes covering other buildings on the EWU campus. He stated that each day he unlocks three buildings when he arrives. Mr. Miller confirms that 55% of his major duties involve cleaning

his assigned building. In addition, Mr. Miller asserts that he performs the following job duties:

- Empties garbage cans
- Cleans and sanitizes the bathrooms
- Sweeps, mops and/or vacuums floors
- Sets up rooms for meetings, classes, conferences, and events
- Washes windows
- Uses and maintains power equipment and hand tools, buffers, auto scrubbers, extractors, high pressure washers, and vacuums

Mr. Miller states he directs the work of others which includes assigning, planning, and checking others work and training.

Mr. Miller confirms that he assists with inventory control and security. Mr. Miller stated that every other week Mr. Miller and the other Custodian 1 assigned to the Tawanka building fill out an order form, list the supplies needed, and send to the lead (Custodian 3). Mr. Miller confirmed he does order supplies such as floor cleaners, mops, and toilet tissue for the building through this process.

Mr. Miller feels that these duties are not consistent with the classification of Custodian 1 and best fit within the Custodian 2 classification.

#### **Mr. Ray Godin (Supervisor) Comments**

Mr. Godin stated in his letter to Mark Schuller dated September 12, 2008 (Exhibit B-1) that he finds several inaccuracies in Mr. Miller's description of his job duties. Mr. Godin asserts that Mr. Miller currently unlocks three buildings including his own. This unlock time takes a total of 4.5 – 5 hours per month, this places the average at 5% of his main duties. Mr. Godin states that unlocking the outside doors prevents constant interruption in the cleaning tasks being performed.

Mr. Godin states that Mr. Miller is required to take care and do what is labeled as "preventive" maintenance on equipment. This consists of changing or checking vacuum bags, replace vacuum filters as needed, clean all equipment assigned for good appearance and to keep sanitary, check water level in batteries before use, check screens for debris in auto scrubbers and remove squeegee, rinse after use, and place in sink to dry. Mr. Godin asserts that currently they have three Maintenance Custodian 2's, one for each building, who are responsible for equipment repairs and parts replacement. The Maintenance Custodians are called to fix broken equipment, which usually requires the ordering of parts that they have permission to order. Mr. Godin indicates that Mr. Miller is not authorized to order parts outside the order sheet provided.

Mr. Godin explained the situation regarding the seasonal student employee. Mr. Miller stated that he assigned work, checked and planned their work, and trained them. Mr. Godin stated that the summer student was hired to cover the tray line for summer camps in which then Mr. Miller would provide a little direction in what to do as the tray comes to the student

employee. Mr. Godin states that he has no knowledge of Mr. Miller planning the student's work.

Mr. Godin feels that Mr. Miller is working within the Custodian 1 job classification.

### **EWU Comments**

Mr. Mark Schuller states that EWU doesn't feel as though Mr. Miller is working out of class. Mr. Schuller explained that the Custodian 2 job specification requires that those positions perform mainly maintenance duties. Mr. Schuller asserts that EWU Custodian 1 positions do not perform maintenance and that their main job assignment is to ensure their assigned building is clean.

Mr. Schuller commented on the following job duties Mr. Miller feels do not fall within the Custodian 1 job classification:

- Maintenance and repair of custodial equipment – Mr. Schuller explained that it is true that Mr. Miller “maintains” the equipment required to clean his building; however, these duties are limited to taking the equipment apart to remove clogs and provide general cleaning and minor maintenance. These duties do not rise to the level of “repairs” as defined in the Custodian 2 classification. Repairs are performed by a Maintenance Custodian 2. As stated in the meeting with Mr. Miller, when a piece of equipment breaks, he turns in a work order and a Maintenance Custodian 2 comes to repair the equipment. Mr. Schuller feels that Mr. Miller is performing minor maintenance on the custodial equipment.
- Unlocks – Mr. Schuller states that unlocking the doors is really a matter of operational necessity. Mr. Miller is issued building keys and generally remains in the building he is assigned. Mr. Schuller asserts that from an operational efficiency perspective, it makes sense for the position performing the task to be in general proximity of the area to handle the responsibility.
- Ordering Supplies – Both Mr. Schuller and Mr. Godin stated that Mr. Miller completes the order form on what supplies are needed and turns the form into Mr. Godin every other week. Mr. Godin checks the order form, makes necessary changes, initials the form, and forwards to the warehouse. The ordering process is not performed exclusively by Mr. Miller.
- Carpet Cleaning – Mr. Schuller states that the deep cleaning of the carpets is performed in between quarters (three times a year). Mr. Schuller states that the majority of the time is spent working on the carpets to clean stains and remove spots as needed. Mr. Miller stated that this duty requires a couple of hours a week to perform. Mr. Schuller estimated that Mr. Miller's carpet cleaning tasks amount to approximately 7% of his work. Mr. Schuller does not feel that cleaning carpets is a routine activity.

Mr. Schuller feels that it is apparent that Mr. Miller's position is allocated appropriately to Custodian 1. Mr. Miller's main function is the housekeeping and/or custodial duties to maintain the cleanliness of his assigned building.

### **Rationale for Director's Determination**

A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which the work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The Personnel Resources Board (PRB) has held the following:

. . . because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000).

Most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. See Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

### **Custodian 2**

The Definition of the Custodian 2 states: *"Positions in this level perform various housekeeping, custodial, and maintenance related tasks to ensure and maintain proper cleanliness of facilities, institutions and/or the Governor's mansion. Positions repair and replace various items, including but not limited to, light fixtures, switches, doors, hardware, windows, locks, etc."*

In addition to various housekeeping tasks, the Custodian 2 definition goes on to require that positions in this class repair and replace various items, including but not limited to, light fixtures, switches, doors, hardware, windows, locks, etc. Mr. King's position does not fit this requirement of the definition as he does not do repairs or replacement of light fixtures, switches, doors, hardware, etc. Rather, when Mr. Miller finds an item that needs repair, he submits a work order to have the Maintenance Custodian do the repair.

Mr. Miller does not repair equipment. Rather, he ensures the equipment is maintained by changing or checking vacuum bags, replace vacuum filters as needed, clean all equipment assigned for good appearance and to keep sanitary, check water level in batteries before use, check screens for debris in auto scrubbers and remove squeegee, rinse after use, and place in sink to dry. Mr. Miller's primary duties include the cleaning of the building. The Custodian 2 class is not an appropriate class for allocation of Mr. Miller's position, as his work does not meet the requirements of the Definition.

Custodian 1

The Definition of the Custodian 1 states: *"Positions in this level work under general supervision. Positions perform routine housekeeping and custodial duties."*

On the PQ, Mr. Miller indicated 55% of his work time was spent cleaning the building. This responsibility included tasks in all aspect of custodial work: "empty garbage, collect recyclable items in building and place in appropriate containers, clean offices, clean and disinfect restrooms, wash walls and windows, sweep fill paper towel dispensers, fill toilet paper dispensers, fill soap dispensers, empty sanitary napkin disposal containers, clean mirrors, vacuum carpets, sweep hard floors, sweep stairways, dust, spot wash walls, wash counter tops, clean whiteboards and erasers, wet mop floors." In addition, Mr. Miller unlocked the building per the schedule, cleaned after special events, deep cleaned carpets, and moved furniture.

These duties fit within the Definition of Custodian 1. Mr. King's position is allocated properly at the Custodian 1 level.

**Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The address for the Personnel Resources Board is 600 S. Franklin, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

cc: Jay Miller  
Mark Schuller, EWU

Enclosure –List of Exhibits

List of Exhibits

**A. Jay Miller Exhibits**

1. Letter Requesting a Director's Review dated October 21, 2008
2. Agency's Allocation Determination letter dated October 10, 2008
3. Custodian Expectations (Facilities services August 11-2005
4. Custodian Performance Factors (Quality of Work)
5. Performance Requirements
6. Inspection Criteria for Custodial Services
7. Eastern Washington University Custodial Services – Custodian 1 Job Description
8. Custodian 1 Expectations (Sept 18, 2008)
9. Custodian 1 Performance Factors

**B. Filed by Eastern Washington University (Mark Schuller) December 30, 2008**

1. Completed Position Questionnaire
2. Allocation determination dated October 10, 2008
3. Eastern Washington University Job Description for Custodian 1
4. Organizational Chart for Facilities Services
5. Classification Specs used for allocation determination
6. Past Director's Review Decisions for Appeals within the Custodian 1 classification:  
ALLO-06-002 - ALLO-06-009 - HEU No. 4637